



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|----------------------|---------------------|------------------|-------------------|
| <b>Applicant(s):</b> | Thomas M. Verrengia | <b>Examiner:</b> | Raleigh W. Chiu   |
| <b>Serial No:</b>    | 10/804,523          | <b>Art Unit:</b> | 3711              |
| <b>Filed:</b>        | March 19, 2004      | <b>Docket:</b>   | 17073             |
| <b>For:</b>          | HOCKEY PUCK         | <b>Dated:</b>    | December 23, 2004 |

Assistant Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231

DECLARATION OF RUSTY NEWTON UNDER 37 C.F.R. 1.132

I, Rusty Newton, declare and say:

1. I am president of K&S Sports, having an address of 8734 Dallas St., La Mesa, CA, 91942. K&S Sports is an independent sales agency representing manufacturers within the sporting goods industry.
2. I have been a salesman in the sporting good industry for four years. I currently represent five different sporting goods companies and have been successful in introducing each of the five companies into seven of the top twenty retail sporting good chains in the United States.
3. I understand that Thomas M. Verrengia has applied for a U.S. patent (hereinafter referred to as Mr. Verrengia's hockey puck) and has claimed as his invention:  
  - (a) a puck having both central and peripheral plugs, where the central plug extends above both the top and bottom surfaces of the puck body and where at

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least one of the peripheral plugs extend above both the top and bottom surfaces of the puck body.

4. Another feature of the hockey puck claimed by Mr. Verrengia is feature (a) in combination with:

(b) The peripheral plugs cover a substantial portion of the periphery of the puck.

5. Yet another feature of the hockey puck claimed by Mr. Verrengia is feature (a) in combination with:

(c) The central and peripheral plugs have a greater surface area than the remainder of the puck (greater than a surface area of the puck body excluding the openings for the central and peripheral plugs).

6. I understand that the Examiner has not found a single prior patent that shows feature (a), or feature (a) with either of features (b) or (c). Instead, he has combined features from several prior patents to reject claims having features (a), (b) and (c). For example, with regard to feature (a) above, I understand that the Examiner found a reference that shows the peripheral plugs and another reference that shows the central plug and has combined the teachings of the two references to reject a claim reciting feature (a).

7. I believe that each of the above features, independently, makes for an improved hockey puck that has an improved weight distribution over the hockey pucks that

are known in the prior art and that the improved weight distribution allows the puck to perform better when flat while it also tends to allow the puck to fall flat when it is on its edge.

8. I also believe that the prior patent and others like it showing only a central plug may perform better when flat but not when on its edge, and the prior patent and others like it showing only the peripheral plugs performs better when on its edge but not when flat.

9. I further believe that the puck having features (a), and feature (a) with either of features (b) and (c), out performs the pucks of the prior art both when flat and when on its edge due to such features.

10. Mr. Verrengia's hockey puck has been met with commercial success and such success is a result of feature (a), and feature (a) with either of features (b) or (c) described above. I have shown Mr. Verrengia's puck to many of my accounts, including independent sporting goods stores, major accounts with multiple stores, and hockey pro-shops who specialize within the hockey industry. Substantial orders have been taken as a result including from Sport Chalet, Chick Sporting Goods, and Copeland Sports. The accounts feel that feature (a), and features (a) with either feature (b) or (c) enables the puck to perform better than pucks having only one of the central or peripheral plugs.

11. There is a long felt need in the industry for a puck having an improved performance when both flat and on its edge which is solved by the Mr. Verrengia's hockey puck having feature (a), or feature (a) with either feature (b) or (c) discussed above. The

hockey pucks of the prior art address one of the above two problems and perform well either when flat or when on its edge. However, there is a long felt need in the hockey industry for a puck that performs well in both situations. Mr. Verrengia's puck solves such long felt need due to feature (a), or feature (a) with either feature (b) or (c).

12. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Date: 12-22-04

  
Rusty Newton